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DISTRICT COURT OF GUAM

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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF GUAM**

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
)
IKUO YOSHIKAWA,)
)
Defendant.)

CRIMINAL CASE NO. 94-00133

**GOVERNMENT'S MOTION FOR
A DOWNWARD DEPARTURE
UNDER RULE 35(b)(1), FEDERAL
RULES OF CRIMINAL PROCEDURE**

Comes now the United States and moves for a substantial assistance downward departure of five (9) levels from the Sentencing Guidelines pursuant to Rule 35 (b)(1), Federal Rules of Criminal Procedure, and states as follows:

As an extension of key information provided in October 2002, which led to the arrest and conviction of two individuals involved in a violent "takeover" bank robbery on Saipan, Mr. Yoshizawa provided assistance in the trial of a third defendant in the bank robbery in August 2005. During the trial, a police officer inadvertently mentioned Mr. Yoshizawa's cooperation in the investigation. This disclosure led to Mr. Yoshizawa being identified in open court and being interviewed by attorneys for the bank robbery defendant, potentially exposing him to retribution from the defendant and/or the defendant's family. Despite this, Mr. Yoshizawa was willing and prepared

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1 to testify in the trial. The parties subsequently agreed to stipulated testimony and Mr. Yoshizawa's
2 appearance was not required.

3 For the foregoing reasons, the government respectfully requests that the Court grant said
4 motion for a nine-level substantial assistance downward departure from Offense Level 15 to
5 Level 6, a guideline range of 0 to 6 months for Criminal History Category I. The government intends
6 to recommend the minimum term under said range.

7 Dated this 30th day of January, 2006.

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10 LEONARDO M. RAPADAS
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Districts of Guam and CNMI

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12 By:


13 JEFFREY J. STRAND
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